

EXHIBIT 42

**To
PLAINTIFF'S LOCAL RULE 56.1(b)(3)(C) STATEMENT OF ADDITIONAL FACTS
REQUIRING DENIAL OF THE CITY'S MOTION FOR PARTIAL SUMMARY
JUDGMENT**

March 15, 2016

Case No. 14-CV-4391

JUSTICE, CULTURE AND COMMUNITY

REMARKS OF MAYOR RAHM EMANUEL WEDNESDAY, DECEMBER 9, 2015

* * AS PREPARED FOR DELIVERY * *

Members of the City Council, police officials and community leaders:

We are here today because Chicago is facing a defining moment on the issues of crime and policing — and the even larger issues of truth, justice and race.

We can either be defined by what we have failed to do — or what we choose to do.

To meet this moment, we need to come to a common understanding of how we got here and why. We need a painful but honest reckoning of what went wrong — not just in this one instance — but over decades.

We need to talk about what to do differently to ensure that incidents like this do not happen again, about the police culture that allows it and enables it and the larger cultural issues that devalue life in our communities.

Like every other challenge we have ever faced, this one is not bigger than us or beyond us. The only thing that stands between us and a better place is whether we have the collective will to admit to ourselves where we have fallen short and have the courage to do the hard but necessary things that will then take us forward.

Chicago needs your heart, your strength and your spirit — because that is what it will take from all of us in this room and outside of it.

What happened on October 20th, 2014 should never have happened. Supervision and leadership in the police department and the oversight agencies that were in place failed.

And that has to change.

I have reflected deeply on what happened that night: A young man with a knife, agitated, and surrounded by police officers.

But until the point where Police Officer Jason Van Dyke got onto the scene and got out of his car, this was a routine situation. It could have and should have been contained and managed.

Situations like this are defused and resolved all the time without the loss of life, which is why we never hear about them. The majority of officers do their job professionally every day.

But thirty seconds after Jason Van Dyke arrived, it was no longer routine and by the book. 16 shots were fired. A

young man from Chicago died in the streets of Chicago.

Nothing can excuse what happened to Laquan McDonald.

Our city has been down this road before. We have seen fatal police shootings and other forms of abuse and corruption. We took corrective measures but they never measured up to the challenge.

So today I want to describe the challenges that we must address.

In the millions of encounters each year between the police and the public, it may be too much to expect that every officer will always get it right. But it is not too much to expect that we can put the right safeguards in place to hold officers accountable when they get it wrong.

What makes an officer's job all the more difficult, dangerous, and demanding is that it rests on upholding that sacred trust with the citizens that he or she serves.

Nevertheless, I ask every police officer in Chicago to reflect on your work, your training, your experience and – to be honest – the fears and frustrations you bring to the job. They are real. They matter. And we as a city cannot be afraid to talk openly and honestly about them.

We can define the rules of police-citizen engagement, but everyday decisions will always be made by men and women in uniform, on the street, in the community, under extreme pressure in a dangerous world where guns easily fall into the wrong hands.

We are right to ask the most and the best of every officer. But the rest of us who do not put our lives on the line every day must be honest about our own responsibilities as well.

As a nation, we have done far too little to reverse the gun epidemic that makes every encounter between the public and the police potentially lethal.

Shoot first and ask questions later too easily become the default posture in a fearful world where mass killings are now a regular event and there is an increasing likelihood of a gun in every home, car or backpack.

The Chicago Police Department takes more illegal guns off our streets than either New York or L.A.

While we must hold accountable the fraction of officers who betray our solemn and sacred trust, we must also acknowledge the real dangers police face and the honorable work that the vast majority of them do every day.

My uncle was a police sergeant here in Chicago. And I respect the work that he did and other officers do today. But let me be clear. We cannot ignore or excuse wrongful behavior especially when it costs the life of another. Police are not protecting the city when they see something and then say nothing.

Our reforms will rely on the work of police, elected officials and community leaders across our city who bring their

experience, relationships and close knowledge of the communities they serve.

We need your leadership and your involvement because a big part of this effort is to empower your constituents to help police make our communities safer.

We have to provide opportunities for the community to air their grievances with the police and we need community leaders to foster those conversations and keep them productive, honest, and respectful.

I want to also speak directly to every resident of Chicago. I work for you. My first responsibility and your government's first responsibility is to keep you and your family safe and to make sure that you feel safe in your neighborhoods.

We have clearly fallen short on this issue and that needs to change. It starts by hearing out your fears and frustrations – as well as your hopes and your expectations.

We also need to see what we can do in our communities to restore trust where it has been lost. I know some of you are afraid to work with police. You do not trust them.

When African American mothers, fathers, and grandparents feel it is necessary to train their sons and daughters to behave with extreme caution when they are pulled over by police and have both hands visible on the wheel, what does that say? We have a trust problem.

When parents tell their children not to congregate on corners, especially in groups out of fear for them encountering the police, what does that say? We have a trust problem.

So we – the elected leaders, police officers, and community and religious leaders –have a responsibility to earn back that trust and to change that narrative.

This is not just about what the police need to do.

When a nine-year old son is executed in retaliation against his father by someone who knew his mother, what does that say? We have normalized gun violence.

When an adult victim of gun violence himself gives his 14-year-old niece a gun to settle a score from social media which then leads to the homicide of another child, what does that say? We have normalized gun violence.

All of us adults must set a higher standard of behavior for our children and help them understand that people can work out their problems responsibly and fairly with mutual respect. We need to reset our norms, our expectations, and our values.

This is not just on the police or the community. I know that I – personally — have a lot of work to do to win back the public's trust and that words are not enough.

I will not rest until we take the concrete steps that are necessary to confront these issues — comprehensively and effectively — there will be many doubting our efforts.

I begin this effort with a request of every person in this city to bring out the best in themselves and look for the best in others as we focus on the hard work ahead.

It falls into three over-arching areas: justice, culture and community. JUSTICE

The pursuit of justice on the issue of police misconduct is our most immediate and pressing goal. And several efforts are already underway.

First, Officer Van Dyke has been charged with murder and the state's attorney is proceeding with the case. Public trust is the most important resource we have. But I recognize that a prolonged investigation served to undermine public trust. And every day that we held on to the video contributed to the public's mistrust. And that needs to change.

Second, there is a federal civil rights investigation into this shooting and the conduct of the officers who responded to the scene. That investigation began a little over a year ago. Again, that is being handled by the U.S. Attorney.

Third, the Justice Department is now looking more broadly at the issue of police misconduct, police oversight, and civil rights here in Chicago.

We welcome it. We will be better for it as a city. It is in our self-interest because we need their help and assistance to make the fundamental and necessary changes.

Fourth, on August 6th, the ACLU and the Chicago Police Department agreed to have an independent evaluation of the CPD's investigatory stop practices and procedures, additional data collection on stops, better training for officers, and better transparency for the public.

As part of this historic agreement, the Chicago Police Department will create enhanced, training to reinforce the law and policy and to ensure respect for civil rights. Because civil rights and public safety go hand-in hand.

Fifth, we announced a task force last week of respected and knowledgeable leaders in criminal justice and police oversight who will conduct a very public and thorough review of our existing system of training, oversight, discipline, accountability, and transparency.

In a letter made public this week, the task force outlined a timeline and plans to hold public hearings with the community and with experts from across the country.

The task force is led by Lori Lightfoot, a distinguished former prosecutor with a deep history of investigating police misconduct. She currently chairs the Chicago Police Board, which rules on police disciplinary cases.

It also includes Inspector General Joe Ferguson, retired Chicago Police Deputy Superintendent Hiram Grau, former federal prosecutor Sergio Acosta, and University of Chicago law professor and former public defender Randolph Stone.

In addition, Chicago native Deval Patrick, the former chief of the civil rights division of the U.S. Department of Justice and former Governor of Massachusetts, is serving as a senior advisor to the Task Force.

Collectively, the members of the task force bring decades of experience, knowledge, and different perspectives to these complex issues. They have committed to delivering a report to the public by the end of March that clearly identifies the problems and offers real solutions to each and every one of them.

They will look at the Bureau of Internal Affairs at the Police Department, which investigates corruption, and they will look at the Independent Police Review Authority, which investigates police shootings and citizen complaints.

They will look at IPRA's record since it was created in 2007 and ask why – out of the hundreds of police shootings in the last eight years – only a handful of them have led to any charges?

They will ask why some police officers with repeated and multiple citizen complaints of excessive force have yet to face any meaningful disciplinary action.

These facts defy credibility, which is why on Monday I appointed Sharon Fairley to head IPRA. She brings a wealth of experience from both the public and private sectors to help reinvigorate IPRA and reestablish the integrity and independence it was originally designed to have.

The first recommendation by the task force is that we appoint a senior officer for civil rights at the Chicago Police Department who will have clear authority to implement the recommendations of the task force and ultimately the Department of Justice.

They will also look at the report from former prosecutor Ronald Safer offering recommendations to strengthen police disciplinary procedures – although we have to cast a wider net than that effort.

They have to examine decades of past practices that have allowed abusive police officers with records of complaints to escape accountability and they should revisit every policy and every protocol – including the timing and release of videos that are part of an ongoing investigation.

As you know, two new videos were released this week – raising even more questions about police actions. Although the state's attorney is declining to prosecute in one of them, IPRA will be doing another review of both cases.

The task force will also look at what other cities are doing and the steps they took. Cities all across America are dealing with similar challenges. There are lessons to be studied, lessons to be learned, and lessons to be implemented.

We have all seen the videos from Cleveland, New York, North Charleston, and as recently as Miami. We have read

the studies and articles on racial profiling, the lack of diversity in our police ranks across the country, and the disproportionate levels of enforcement towards people of color.

It is my deepest hope that we continue to address these issues in a peaceful, passionate, and productive way, but I fully understand that the public's patience is limited. You want answers. You want corrective action. You deserve both — and you will get both.

To be clear, this task force will not be guided or directed by my office. Their job is to get out all of the facts about the police department and the reforms and changes that must be adopted.

CULTURE

As we move forward, I am looking for a new leader of the Chicago Police Department to address the problems at the very heart of the policing profession.

This problem is sometimes referred to as the Thin Blue Line. Other times it is referred to as the code of silence. It is the tendency to ignore, deny or in some cases cover-up the bad actions of a colleague or colleagues.

No officer should be allowed to behave as if they are above the law just because they are responsible for upholding the law.

Permitting and protecting even the smallest acts of abuse by a tiny fraction of our officers leads to a culture where extreme acts of abuse are more likely, just like what happened to Laquan McDonald.

We all have grieved over young lives lost again and again to senseless violence in our city. Now more than ever we need good and effective policing.

But we cannot have effective policing if we turn a blind eye to the extreme misconduct we saw at its worst in the tragic case of Laquan McDonald.

We cannot ask citizens in crime-ravaged neighborhoods to break the code of silence if we continue to allow a code of silence to exist within our own police department.

And we cannot ask young men to respect officers if officers do not respect them in kind. Respect must be earned and it is a two-way street.

The search has begun for a new superintendent to lead the work of changing this culture and leading the department. In the meantime the acting Superintendent John Escalante has already taken some initial steps.

Last weekend, he announced that there will be zero tolerance for patrol officers who fail to properly engage dash-cams. He has also taken the step to expand the use of body cameras to a third of our districts. He will also retrain police for de-escalating tense situations and minimizing the use of force.

And we will recommit to reinvigorating our community policing strategies. Chicago is where the whole idea of community policing began. It remains the best and most comprehensive approach we have in changing the everyday conditions that breed crime and violence and then breed mistrust.

We have more work to do and we need better training to live up to the values of community policing.

It is one thing to train officers on crime-fighting. But it is another thing to train them to build friendships and relationships, which are integral to fighting crime. This takes time, effort and patience on the part of police officers. They have to sit with parents, kids and community leaders. They have to listen, collaborate, and in some cases mentor.

Over the last few years, we have trained 10,000 officers on the concepts of community policing, but frankly training is not enough. Our leadership needs to reinforce that training and set the example necessary for the principles to translate to action.

We also train police to understand the circumstances when they can use excessive force.

As one sergeant in the 15th District said to me recently, there is a difference between whether someone can use a gun and when they should use a gun.

Just because extreme force is justified does not always mean it is required. This is where the right training is essential.

But for this effort to succeed, we must rebuild the partnership with our communities – and that gets to the third principal: community.

COMMUNITY

In our city today, we have people of every background, race and culture – and that is one of Chicago's great strengths. We have a vast well of talent, ideas and energy. We have the skills and knowledge to lead the world in every field and in many areas we do.

We have the love and strength of our mothers and fathers and the hopes and dreams of our children and young people. We need to direct our collective energy towards a common vision of a better tomorrow.

Every one of us needs to reflect on what we can do – in our own lives – to make our communities safer. That includes me. How do we raise our kids? What values do we teach them?

How do we help them negotiate those challenging years between childhood and adulthood where youthful mistakes can lead to negative consequences?

How do we give more young people more opportunities instead of a path to nowhere? For many of these young

people, gang life is the only life they know.

When I was sworn into office this past May, I said that, when young men and women join gangs in search of self-worth, we as a city must and can do better.

I said when young men and women turn to lives of crime for hope, we as a city must and can do better.

I said when prison is the place we send young boys to become men, we as a city must and can do better.

When I talk to these young men who have had negative experiences with police they tell me they just want one thing – respect.

They have asked me a question that has given me pause. Would the police ever treat me the way they treat them? And the simple answer is no. And that is wrong.

Now, while we have communities overrun by gangs and guns, we also have grandmothers who sit on porches watching kids go to school, people who mentor young men, and kids who are graduating and going on to college. We as a City cannot just show up when there is a basketball shot or a gunshot. We must be there every day helping to nurture and build that sense of community.

Beyond the issues of policing and fighting crime, we must also address the underlying challenges of family, poverty, joblessness, and hopelessness which demand greater action. But we cannot wait another day to address the current crisis that we face.

We have to have better oversight of our police officers to ensure that they are living up to the high standards we expect from them. And we also have to create a place for the community to vent their understandable feelings and fears about the police without it devolving into acrimony.

We have to have these difficult conversations if we are going to build trust. And not just have the conversations but also have the ability to hear each other. We have to enable people to speak freely and we have to listen intently.

We have to listen to the parents whose children were killed and see the extraordinary grace, strength, and courage that is required of them to endure the infinite pain of burying a child.

We have to listen to the men who have been in and out of the criminal justice system – listen to the limited choices they faced and understand them rather than condemn them.

And finally, the community has to listen to police talk about their work and the challenges of working in communities over-run by gangs, drugs and guns.

At the same time, police have to listen to the community to understand the challenges they face and hear their hopes and aspirations for their own future.

Both sides have to look beyond the surface to see the common humanity they share instead of the differences that divide them.

We have to be honest with ourselves about this issue. Each time when we confronted it in the past, Chicago only went far enough to clear our consciences so we could move on.

This time will and must be different. It will be a bumpy road, a painful process, and a long journey, but we will not hesitate in pursuit of what is right.

We cannot shrink from the challenge any more than we can ignore that wrenching video of a troubled young man, a ward of the state, failed by the system, surrounded by the police – gunned down on the streets of Chicago.

This is not the Chicago we know and love. This is not the police department we believe in and trust to protect our families and our neighborhoods. This is not who we are. And this will not stand.

Laquan McDonald's death was totally avoidable. Our only choice is to do everything in our power to right that wrong.

It starts today. It starts now. It starts with us.

Thank you.